

S.B. 161
JUDICIAL CONDUCT COMMISSION

Senator **David L. Thomas** proposes the following amendments:

1. *Page 3, Lines 64 through 69:*

64 (2) During the course of any investigation, the commission:

65 (a) shall refer any information relating to the criminal conduct alleged and any
66 evidence which relates to the allegation to which the judge has been accused, unless plainly
67 frivolous, to the local prosecuting attorney as provided in Subsection (1)(b); ~~[[and]]~~

68 (b) may order a hearing to be held concerning the reprimand, censure, suspension,
69 removal, or involuntary retirement of a judge ~~[[and]]~~ ;

(c) shall, if it finds by a preponderance of the evidence that judicial misconduct occurred:

(i) review the record of all complaints previously dismissed against the judge;

(ii) review the record of all previous orders of reprimand, censure, or suspension issued by the commission against the judge; and

(iii) review all information in the commission's files on any informal resolution, including any letter of admonition, or caution, that the commission issued to the judge prior to May 1, 2000; and

(d) may, even if it finds by a preponderance of the evidence, dismiss relatively minor misconduct with a warning, or on conditions of no further misbehavior, but the commission may not order more than one dismissal for any judge during any single term of office when it finds by a preponderance of the evidence that misconduct occurred.